REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and receipt of the certified copy of the priority document. Responsive to the Office Action mailed on December 13, 2004 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-12 are pending. The drawings are objected to because Fig. 1 includes the wording "Related Art". Claim 8 is objected to for informalities. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (U.S. Patent No. 6,721,183). Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al in view of Yamada (U.S. Patent No. 5,390,517). Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley (U.S. Patent No. 4,748,003). Applicant respectfully traverses the rejections made by the Examiner for the reasons discussed below.

In this paper, Fig. 1 and claim 8 are amended according to the suggestion of the Examiner. Applicant submits that the objections to the drawings and claims are thereby overcome. Claims 1 and 10 are amended to recite that the lever portion has a protrusion integrally formed with the contacting portion. Support for the amendments can be found in Fig. 2a. The summary of the invention is amended to correspond with the amended claims.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 102(e)

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

AMENDMENTS TO THE DRAWINGS

The attached one (1) replacement sheet of drawings includes changes to Figure 1.

Attachment: Replacement Sheet (1)

Chen et al teach a computer enclosure incorporating a hood fastener including a handle pivotably attached to a recessed portion of the hood, a latch pivotably attached to the handle and engaging with a tab of the chassis, and a spring for urging the latch to engage with the tab.

Chen et al do not teach or suggest an attachment mechanism comprising, *inter alia*, a pivoting member having a contacting portion and a lever portion connected thereto, wherein the lever portion has a protrusion integrally formed with the contacting portion, such that a part of the housing is wedged between the contacting portion and the protrusion when the cover plate is attached to the housing, as recited in claim 1.

MPEP 2131 prescribes that to anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).
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> "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As amended, claim 1 recites an attachment mechanism, comprising a housing, a cover plate, a fixed member on the cover plate, and a pivoting member pivoted on the fixed member, having a contacting portion and a lever portion connected thereto, wherein the lever portion has a protrusion integrally formed with the contacting portion, such that a part of the housing is wedged between the contacting portion and the protrusion when the cover plate is attached to the housing, and the pivoting member pivots and applies a force on the housing such that the cover plate is separated from the housing. The present invention thus provides a simple attachment mechanism operated by leverage, thus reducing the time and labor expended when attaching or detaching the cover plate to the housing 6. See page 8, lines 1-5 of the specification.

The office action relies upon latch 24 and side plates 223 of Chen et al to teach the contacting portion and protrusion recited in claim 1. Chen et al teach that "the second end 264 of the spring 26 abuts against the extension portion 244 of the latch 24 to cause the clasp 245 to snappingly engage with the tab 38 of the chassis 30, thereby preventing the hood 10 from moving backward." See col. 3, lines 25-29 of Chen et al. Thus, in Chen et al, the chassis 30 is snappingly engaged by the clasp 245 of the latch 24, not by the side plates 223. With reference to FIG. 2 and col. 2, lines 40-58 of Chen et al, the side plates 223 extend perpendicularly from rearmost portions of opposite side edges of the base 221, each side plate 223 forming an elastic tongue 228 therein. However, the chassis 30 is not wedged or engaged with the side plates 223. Applicant therefore submits that Chen et al fail to teach that a part of the housing is wedged between the contacting portion and the protrusion when the cover plate is attached to the housing, as recited in claim 1.

Furthermore, in Chen et al, two individual components "handle 22" and "latch 24" are required, thus defining two pivot axes, wherein "a pivot axis defined by the pins 229 is offset from a pivot axis defined by the pivot apertures 226." See col. 2, lines 54-58 of Chen et al. Namely, the side plates 223 and the latch 24 in Chen's patent are individual components pivoted via a pair of the coaxial pivots 248, not integrally formed. In contrast, as claim 1 recites a mechanism in which the protrusion and the contacting portion are integrally formed, only a single pair of protruding pivots 523 defining one axis is required. See Fig. 2a of the preset invention. Applicant submits that Chen et al fail to teach that the protrusion and the contacting portion are integrally formed, as recited in claim 1.

For at least these reasons, it is Applicant's belief that claim 1 is allowable over the cited reference. Insofar as claims 2-9 depend from claim 1, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 103(a)

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al in view of Yamada. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley.

Yamada teaches a door lock handle assembly. Riley teaches a container for flash sterilization including toggle clamps 24.

Whether taken alone or in combination, Chen et al and Yamada do not teach or suggest an attachment mechanism comprising, *inter alia*, a pivoting member having a contacting portion and a lever portion connected thereto, wherein the lever portion has a protrusion integrally formed with the contacting portion, such that a part of the housing is wedged between the contacting portion and the protrusion when the cover plate is attached to the housing, as recited in claim 10.

MPEP 2142 reads in part:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In connection with the third criteria, MPEP 2143.03 goes on the state:

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Claim 10 recites that the protrusion is integrally formed with the contacting portion, and a part of the housing is wedged between the contacting portion and the protrusion when the cover plate is attached to the housing. For the same reasons presented in connection with the rejections under 35 U.S.C. 102(e), it is Applicant's belief that Chen et al fail to teach or suggest either that the protrusion is integrally formed with the contacting portion or that a part of the housing wedged between the contacting portion and the protrusion. Furthermore, no teaching of these limitations is contained in Yamada.

For at least these reasons, it is Applicant's belief that claim 10 is allowable over the cited references. Insofar as claims 11-12 depend from claim 10, it is Applicant's belief that these claims are also in condition for allowance.

Riley does not teach or suggest an attachment mechanism comprising, *inter alia*, a pivoting member having a contacting portion and a lever portion connected thereto, wherein the lever portion has a protrusion integrally formed with the contacting portion, as recited in claim 1.

As amended, claim 1 recites a pivoting member having a contacting portion and a lever portion connected thereto, wherein the lever portion has a protrusion integrally formed with the contacting portion.

In Riley, a cover unit 12 is secured to a base unit 10 by means of a series of toggle clamps 24. The office action appears to rely the toggle clamp 24 to teach the pivoting member of the claimed invention. However "the protrusion" and "the contacting portion" of the clamp 24 as indicated in attachment #1 of the Office Action are connected via a hinge, not integrally formed. Applicant therefore submits that Riley fails to teach that the protrusion and the contacting portion are integrally formed, as recited in claim 1.

For at least these reasons, it is Applicant's belief that claim 1 is allowable over the cited reference. Insofar as claims 2-4 depend from claim 1, it is Applicant's belief that these claims are also in condition for allowance.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,

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